

STATE OF NEW HAMPSHIRE

Before the

PUBLIC UTILITIES COMMISSION

Docket No. DT 23-103

Consolidated Communications Holdings, Inc.

And

Condor Holdings, LLC

**Joint Petition for Findings in Furtherance of an Indirect Transfer of Control of CCHI's
Operating Subsidiaries as part of Parent Transaction**

**CONSOLIDATED COMMUNICATIONS HOLDINGS, INC.'S
OBJECTIONS TO DISCOVERY REQUESTS OF TOWN OF BENTON**

NOW COMES Consolidated Communications Holdings, Inc, (“Consolidated”) and pursuant to N.H. Code Admin. R. Puc. 203.09(g), hereby objects to the data requests (collectively, the “Requests” and individually, each being a “Request”) propounded by the Town of Benton (“Benton”), on the grounds specified below and as of April 8, 2024.

GENERAL OBJECTIONS

1. Consolidated generally objects to the Requests to the extent that they seek information or documents protected from disclosure by the attorney-client privilege, work product doctrine, common defense doctrine, and/or any other applicable privilege, rule, or duty of confidentiality to third parties that precludes or limits the production or disclosure of information or documents. Accordingly, Consolidated interprets the Requests as not requiring disclosure of such protected information or documents. Nothing contained in Consolidated’s responses is intended to, or in any way shall be deemed, a waiver of such applicable privilege, doctrine, rule, or duty. In responding to each Request, Consolidated will not provide privileged or otherwise protected information or documents.

2. Consolidated generally objects to the Requests as overly broad, unduly burdensome, oppressive, and harassing to the extent that they seek production of information or documents that have no bearing on the issues in the docket, the standard of review applicable to the relief sought in the Joint Petition filed in this docket, relate to a separate proceeding, and/or are neither relevant to the subject matter of the pending docket nor reasonably calculated to lead to the discovery of admissible evidence. Consolidated also generally objects to each Request to the extent that it seeks information that is proprietary, competitively and/or commercially sensitive, and/or subject to confidential treatment.

3. Consolidated has not fully completed its investigation into the facts pertaining to this docket, has not completed its discovery, and has not completed its preparation for any evidentiary hearing. Responses will be based only on such information and documents as are presently available and known to Consolidated. This anticipated further discovery, investigation, legal research, and analysis may supply additional facts and may establish information that may vary from that set forth in any Consolidated responses. Consolidated's responses will be without prejudice to Consolidated's right to introduce evidence of any subsequently discovered fact(s) or circumstance(s).

4. All General Objections set forth above are incorporated by reference into each specific objection listed under each of Benton's Requests set forth below.

Consolidated Communications Holdings, Inc

Docket No. DT 23-103

Date Request Received: 03/27/2024

Date of Response:

Date of Objection: 04/08/2024

Request No.: 1-01

Page 1 of 1

Request from: Town of Benton

Witness:

Pursuant to Section Puc 203.09, Intervenor Town of Benton makes the following discovery requests, including interrogatories and data requests, of the Joint Petitioners.

1. The prefiled testimony of the Joint Petitioners emphasizes the potential benefits of the proposed transaction to the expansion of the Joint Petitioners unregulated fiber internet business but makes little mention of its effect on the copper wire infrastructure in Licensees' ILEC territory upon which many New Hampshire residents, including those in the Town of Benton, rely for voice and DSL services.
 - a. How many of the Licensees customers still depend upon its copper wire voice and DSL services?
 - b. Will annual funding for the maintenance and service of the Licensees' copper wire infrastructure increase as a result of the proposed transaction? Be specific.
 - c. State the end of year employee count for the Licensees from 2017 through 2023.
 - d. How many of the Licensees' employees (FTE) for each year stated above were devoted to the licensees' fiber internet business?
 - e. Are there any announced or planned reductions in force for the Licensees?
 - f. Provide the consumer satisfaction reports for Licensees from the American Customer Satisfaction Index (ACSI®) for 2017 through 2023.
 - g. In answer to Q21, Michael Schultz's prefiled testimony states "The transaction will strengthen the financial position of the Licensees by providing access to additional capital." Since Consolidated is a multi-state company (the testimony states the current proceeding "is just a small piece of a national transaction involving 21 other states"), what assurance does the Commission and the Licensee's customers have that the additional capital will be deployed in New Hampshire versus the company's other jurisdictions?

Objection: Consolidated objects to this Request on the grounds that it seeks information that is irrelevant to the instant proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Consolidated objects on the grounds that the Request also is overly broad and unduly burdensome.

Consolidated Communications Holdings, Inc

Docket No. DT 23-103

Date Request Received: 03/27/2024

Date of Response:

Date of Objection: 04/08/2024

Request No.: 1-02

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Request from: Town of Benton

Witness:

A substitute for Licensees' regulated copper wire voice service (POTS) and slower and less reliable internet services are the Licensees' Fidium branded fiber internet and VOIP voice services.

- a. State the total number of the Licensees current customers and the number of those who currently have access to its fiber internet services (lit and ready for drops and installation)?
- b. How many additional customers of Licensees are expected to be served by Fidium in the next three years and how will this number change if the proposed transaction is consummated?
- c. Fidium on its own, apart from in towns who issued bonds to receive fiber services, appears to have concentrated its efforts in the denser part of its service territory, how will the proposed transaction increase service in the less dense areas of New Hampshire most in need of improved telecommunications services?
- d. Does Fidium plan to expand its fiber services into areas of its service territory where there are already other fiber internet providers or areas where other fiber ISPs are obligated to serve under federal grant programs? How will the consummation of the proposed transaction affect those decisions?
- e. In areas of the Licensees service territory where other fibers ISPs are providing services, is it the Licensees' intent to seek relief from the PUC from its ILEC obligations as the provider of last resort? Do the Licensees agree that some emergency services (police, fire, ambulance, etc.) and consumers prefer the regulated voice service with an electrical current that assures voice service when electric service is not operable?

Objection: Consolidated objects to this Request on the grounds that it seeks information that is irrelevant to the instant proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Consolidated objects on the grounds that the Request also is overly broad and unduly burdensome.

Consolidated Communications Holdings, Inc

Docket No. DT 23-103

Date Request Received: 03/27/2024

Date of Response:

Date of Objection: 04/08/2024

Request No.: 1-04

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Request from: Town of Benton

Witness:

The Licensees ability to provide regulated and unregulated services to its customers depends not only on the maintenance of its own infrastructure but also on the maintenance of the poles of other companies on which Licensees wires/cables are attached. The right to attach to those poles depends on attachment and joint use agreements with the pole owners. Michael Schultz in his prefiled testimony states at page 10 states, "All of the Licensees' existing obligations under their interconnection agreements, tariffs, contracts, and other arrangements... will be unaffected by the transaction."

- a. Since 2017 have Licensees complied with all its contractual obligations under its pole attachment and joint use agreements with pole owners?
- b. Did Michael Schultz also make a pledge to honor all pre-existing contractual and legal obligations in his 2017 testimony before the New Hampshire Public Utilities Commission in the proceeding seeking to approve the purchase of FairPoint Communications by Consolidated Communications (DT 16-872)?

Objection: Consolidated objects to this Request on the grounds that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. In addition, Consolidated objects on the grounds that the Request also is overly broad and unduly burdensome. Consolidated objects to this Data Request because it does not seek information relevant to or admissible in this proceeding before the Public Utilities Commission but instead seeks information concerning an unrelated civil action pending in the Hillsborough County Superior Court captioned New Hampshire Electric Cooperative, Inc. v. Consolidated Communications of Northern New England, LLC, Docket No. 216-2020-CV-00555.

Consolidated Communications Holdings, Inc

Docket No. DT 23-103

Date Request Received: 03/27/2024

Date of Response:

Request No.: 1-06

Date of Objection: 04/08/2024

Request from: Town of Benton

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Witness:

Itemize the regulatory approvals that will be necessary to consummate the proposed acquisition transaction.

Objection: Consolidated objects to this Request on the grounds that it seeks information that is irrelevant to the instant proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.